

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Pamela Taber-McCarthy

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Petitioner

*

v.

Case Number 1:08-cv-96-PB

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Ricky C. McCarthy

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Respondent

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**PETITIONER'S OBJECTION TO RESPONDENT'S
MOTION TO ALLOW SUBMISSION OF PARTIAL STATE RECORD**

The petitioner, Pamela Taber-McCarthy, hereby objects to *Respondent's Motion to Allow Submission of Partial State Record*. The grounds for this motion are set forth more particularly below.

1. Without citing to any legal authority whatsoever, Respondent seeks leave to cherry-pick the state court record and file only those portions of the state court record that Respondent deems "relevant." *See Motion to Allow at ¶¶ 3, 4, 5.*
2. Respondent's motion flies in the face of the plain language of the removal statute. The statute provides that the entire case is what is removed. *See 28 U.S.C. § 1446(b); see also Commonwealth of Massachusetts v. V & M Management, Inc.*, 929 F.2d 830, 834 (1991) ("Once a case is properly

- removed, a district court has jurisdiction over the entire case, whether or not the basis for removal, i.e., the federal claim, thereafter remains.”)
3. The statute also prohibits any further action by the Hillsborough County Superior Court “unless and until the case is remanded.” *See 28 U.S.C. § 1446(c).* What is to happen to the so-called “irrelevant” portions of this divorce, *see Motion to Allow* at ¶ 3, while just the so-called “relevant” portion is heard in this Court? There would be no means to judicially enforce the remainder of the state court’s *Decree of Divorce*.
 4. For the reasons stated above, Respondent’s *Motion to Allow* should be denied.
 5. No supporting memorandum accompanies this motion because the relevant legal authorities are contained in this motion.
- WHEREFORE, the petitioner, Pamela Taber-McCarthy, respectfully requests that the Court:
- A. Deny Respondent’s motion; and
 - B. Grant such other and further relief as justice and equity require.

Respectfully submitted,

Pamela Taber-McCarthy,

By her Attorney

MOSCA LAW OFFICE

/s/ Edward C. Mosca

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CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2008 I served the foregoing by ECF on Kevin Bucholz, Esquire. Counsel of record for Respondent, and by hand-delivering a copy to Law Office of Kathleen Sternenberg, 27 Webster Street, Manchester, NH 03104, counsel for Petitioner.

/s/ Edward C. Mosca

Edward C. Mosca